

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11136-GAO

FEDERAL TRADE COMMISSION,
Plaintiff,

vs.

DIRECT MARKETING CONCEPTS, INC., d/b/a TODAY'S HEALTH and DIRECT
FULFILLMENT, ITV DIRECT, INC., d/b/a DIRECT FULFILLMENT, DONALD W.
BARRETT, TRIAD ML MARKETING, INC., KING MEDIA, INC., ALLEN STERN,
LISA STERN, and BP INTERNATIONAL, INC.,
Defendants.

MEMORANDUM
December 2, 2009

O'TOOLE, D.J.

After review of the parties' submissions, the Motion for Clarification of the Asset Restrictions in the Court's August 13, 2009 Order (dkt. no. 324) is resolved as follows:

Even if ITV Direct, Inc. controlled the funds, as argued by the Federal Trade Commission, the funds could still be used to pay "reasonable living expenses and ordinary and customary business expenses." See Fed. Trade Comm'n v. Direct Mktg. Concepts, Inc., No. 04-11136, § IX(D) (D. Mass. Aug. 13, 2009) (dkt. no. 260). Expenses related to the grand jury investigation, legal fees and expenses, and state tax obligations are "ordinary and customary business expenses" which can be paid from the funds held by Seyfarth Shaw LLP.

/s/ George A. O'Toole, Jr.
United States District Judge